IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 96 OF 2007

MR. LAMARTINE DA ROCHA ... Petitioner
Versus
STATE OF GOA THROUGH CHIEF SECRETARY AND ANR ... Respondents

Mr. Ryan Menezes, Advocate for the Petitioner.
Mr. S. Vahidulla, AGA for Respondent nos. 1 and 2.
Mr. J. Cardoz, Advocate for Respondent no.3.

Coram:- S.A.BOBDE &
N. A. BRITTO, JJ.

Date:- 2nd April, 2007

ORAL JUDGMENT

Rule, returnable forthwith.

2. Heard by consent.

3. The petitioner's grievance in respect to the impugned Order dated 18.09.2006, is that the Deputy Town Planner, Mapusa, has withdrawn the permission to construct the compound wall issued to the petitioner. Admittedly, the Deputy Town Planner did not issue any notice to the petitioner and, therefore, did not hear the petitioner. Nonetheless, the permission has been withdrawn on the ground that the plot does not belong to the petitioner.

4. The learned Government Advocate Mr. Vahidulla states that the permission is withdrawn because the Panchayat was reported that the petitioner does not own that plot. Admittedly, the Panchayat also has not given any hearing to the petitioner.

5. In these circumstances, we set aside the impugned Order dated 18.09.2006. The Deputy Town Planner, who is empowered to give the NOC for construction of the compound wall, is directed to proceed in the matter only after giving notice to the petitioner and after allowing him to furnish proof in support of his case.

Rule disposed of accordingly.

S.A.BOBDE, J.

N. A. BRITTO, J.

arp/*